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## **OLR Bill Analysis**

### **sHB 5308**

#### ***AN ACT CONCERNING THE REGULATION OF FRACKING WASTE AND FRACKING BY-PRODUCTS.***

#### **SUMMARY:**

This bill establishes a moratorium on hydraulic fracturing waste in Connecticut until the Department of Energy and Environmental Protection (DEEP) commissioner adopts regulations to control it as a hazardous waste. The moratorium includes (1) the disposal, sale, manufacture, distribution of such wastes and products derived from or containing these wastes; (2) their storage, treatment, transfer from one vehicle or mode of transportation to another; or (3) their discharge into or from a pollution abatement facility. Currently, there is no ban on these activities.

The bill defines “hydraulic fracturing” as the process of pumping a fluid into or under the surface of the ground in order to create fractures in rock for oil or gas exploration, development, production, or recovery. Hydraulic fracturing does not include drilling of geothermal water wells or any other well drilled for drinking water.

It requires DEEP to adopt regulations within two years after the bill’s passage. The regulations must (1) subject these wastes to the state’s hazardous waste management regulations and (2) ensure that any radioactive component of these wastes does not pollute the air, land, or waters or otherwise threaten human health or the environment.

The bill requires DEEP to establish a special permit to allow a person to treat small amounts, not more than 1,000 gallons, of hydraulic fracturing waste. DEEP has the discretion to set the conditions and requirements, including any fees, for the permit. Under the bill, “treat” means any method or process designed to change the

physical, chemical, or biological character or composition of waste, including the reclaiming or rendering it suitable for use or reuse.

EFFECTIVE DATE: Upon passage

## **COVERED WASTES**

The wastes covered by this bill include any wastewater, wastewater solids, brine, sludge, drill cuttings, or any other substance generated as a part of or in the process of hydraulic fracturing. Products derived from or containing any of these wastes are included in the moratorium.

## **DEFINITIONS**

The bill includes the following definitions related to the moratorium.

1. "Dispose" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water in a manner allowing the waste or its components to enter the environment.
2. "Gas" means all natural gas, whether hydrocarbon or nonhydrocarbon, including hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casing head gas, and all other fluid hydrocarbons not defined as oil under the bill.
3. "Oil" means crude petroleum, oil, and all hydrocarbons that are in the liquid phase in the reservoir and are produced at a wellhead in liquid form.
4. "Radioactive materials" means any material, solid, liquid, or gas, including waste that emits ionizing radiation spontaneously.

## **BACKGROUND**

### ***Related Bills***

SB 237, favorably reported by the Environment Committee, bans the storage or disposal of all drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of

crude oil, natural gas, or geothermal energy, including hydraulic fracturing. It requires DEEP to adopt regulations establishing a schedule of penalties for violating the prohibition.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 17 Nay 10 (03/21/2014)